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REFERENDUM AND INITIATIVE IN CITY GOVERNMENT.

THE theory of recent municipal reform in the United States is that of a "business corporation rather than an integral part of the state." Upon this theory, power and responsibility have been transferred to the mayor, on the ground, as stated by Mr. Seth Low, one of the earliest exponents of the theory, that "in the administration of large business enterprises some one man must be given the power of direction and the choice of his chief assistants." Perhaps its earlier advocates did not intend to carry their theory as far as it has gone; but, however this may be, the mayor in the larger cities has been made, under the influence of the theory, not only the chief executive, but also the chief legislative authority. The climax was reached in New York in the charter of 1897, wherein the initiative in matters of taxation, indebtedness, franchises and improvements was bestowed upon the mayor and the boards appointed by him, with a joint and absolute veto upon the common council, and a personal veto of the mayor equal to a five-sixths vote of the council. It is significant that in the revision of 1900 a reverse step was taken, and the excessive power of the mayor was slightly reduced. At present there is a lull in the progress of the theory throughout the country, caused, perhaps, by its admitted failure in many cases. As shown by the results, the theory neglects factors which demand recognition. What these are, should be, if possible, determined.

Political science and economic science are alike in that they seek a basis in psychology. If the city is exclusively a business corporation, it must call into play only the psychic factors which belong to business. If it is also a political corporation, it must call into play also the psychic factors which underlie politics. These personal factors operate through social organization, and to operate effectively the organization must be so

shaped as to furnish to each factor its own proper machinery of expression. An analysis based on this principle shows that there are in city government three distinct problems, corresponding to three distinct types of mind, namely, the technical, the business and the political problem; and that two distinct forms of organization are required for these problems, namely, the business and the political organization.

By far the greater part of the people living in a city, whether engaged in private pursuits or employed by the city government, are occupied in working up the material of physical nature for the satisfaction of human wants. They are engaged in manufacturing, transporting and delivering goods, or in fitting up the machinery, buildings and highways for such purposes. The work is planned by architects and engineers, whether mechanical, electrical or civil, who are more or less equipped in the technology of their peculiar callings, and in the sciences of mathematics, physics and chemistry. The work is executed by foremen, artisans and laborers, who have varied skill in handling the material to be worked up. Here is suggested the first problem of the city,—a technical problem, dealing with physical material.

The same considerations apply to that large army of people which includes the teachers who are supervising the children at home or in the schools and churches, the policemen and prison officials who are dealing with the anti-social classes, the charity workers and pauper overseers who are dealing with the sub-social classes. These workers are fitting social material for society just as the other workers are fitting physical material for society's use. As in the latter, so in the former case, the work is technical, requiring knowledge gained more or less from the sciences of psychology, penology and sociology, and skill gained from experience in the application of scientific principles. Whether these two classes of technical workers are the employees of the city or of private parties, is not at all a matter of concern, seeing that the psychic qualities required are the same in either case. Here the problem is a purely intellectual one,—the problem of knowledge and skill. The

higher this knowledge goes, as in the case of engineers, chemists, penologists, the more nearly it becomes science; and the larger the experience and the greater the aptitude of the individual in disciplining his mind and members under the guidance of science, the more nearly does he become an expert. Science and expertness are the goal of the intellectual factors, knowledge and skill.

But a high development of technical ability is not possible without a minute division of labor and a specialization of knowledge and skill in limited fields of work. This necessitates transfers of goods, the selling of one's own special products and the buying of the products of others for one's personal and industrial needs. Furthermore, this technical ability must also be specialized within a single industry, and a hierarchy of knowledge and skill must be organized on a large or a small scale according to the extent of the market and the character of the production. Here we have a new problem, that of buying and selling, and the organization of responsibility. Material must be bought and sold, wages and salaries must be paid, employees must be selected and fitted into the processes according to their equipment in knowledge and skill, and the highest productive energy must be evoked from each employee by the proper play upon his motives. Altogether the problem is one of economizing the technical abilities of individuals, that is, of increasing the productive power of each group with the least sacrifice of strength and the least concessions to other groups and to the individuals within the group. This is usually known as the problem of business or administration. It deals with individuals, and the intellectual qualities required for handling it are tact and intuition. These qualities are seen in the successful business manager, who generally has but little technical ability, knows but little of the sciences and the various branches of technology over which he presides, and has no skill in handling material, but who, nevertheless, is able to "deal with men," through the personal qualities of foresight, diplomacy, courtesy, persuasion, blandishment and firmness. His predominant intellectual qualities are not accuracy but shrewdness,

not knowledge but insight, not skill but strategy, not breadth but intuition. Here again we are not concerned with the question of public or private management. The same qualities are required in a business manager, whether he be employed by the city or by a private company, or whether he be "his own employer."

The intellectual qualities corresponding to a technical and to a business problem respectively having thus been established, what is the nature of a political problem?

Society is made up of individuals working each in his own field. Division of labor is the instrument for creating wealth. The product is not the work of one man, or of one set of men, but of society as a whole. All that the individual uses in his work and his pleasure—his tools, food, clothing, luxuries—is the joint product of all society, past and present. These things simply represent the services which his fellows everywhere are contributing to his life. Society is mutual service. But the motive which leads each individual to contribute his share to the joint product is mainly the share which he and those he loves can get in turn. Society is opportunity. Freedom is command over the services of others. But the larger opportunities may be monopolized, and the rewards for services may be unfairly distributed. Freedom of opportunity and increase of reward are the objects for which individuals are continually yearning. Opportunity and reward are the twofold aspect of the benefits which society renders. Yet, in acquiring these benefits the lone individual is helpless against the pressure of others. Consequently those with common interests are compelled to join together for the power which united effort secures. That which holds them together is their common beliefs and opinions regarding rights. Here the intellectual element merges with the ethical, the ethical element being founded on wishes and interests. Beliefs and opinions in social matters are concerned with the distribution of wealth and social opportunities. This is essentially a problem of social classes, and differences of opinion on this problem are based on differences in the wishes and interests of social classes.

Self-interest is elevated from gross selfishness into a moral enthusiasm, partly by identification with the interest of a social class and partly by the claim that the interest of this class is the interest of society as a whole. On this high plane self-interest is armed for the political arena, and its demands aspire to the dignity of a public policy. But public policy, in domestic affairs, is a matter of the distribution of social benefits, and there would be no political problem were there no social classes; for there would be no problem of the distribution of wealth and opportunity. The problem here is not one of knowledge and skill in handling material, nor of tact and intuition in handling individuals, but of beliefs and opinions concerning the just and expedient disposition of social advantages. In solving this problem the conduct of the individual is modified, not through argument but through change of heart, not through proof but through conversion, not through logic but through ethics, not through enlargement of his knowledge or increase of his tact, but through change of his opinion; and in last instance, if all these fail, his conduct is modified by compulsion.

Here we have the mark which separates the political from the technical and business problems. In the technical field there is no power of compulsion. One must act according to unchangeable laws governing human nature and physical nature. "We conquer nature by obeying her," *i.e.*, by knowledge and skill, not by opinion and prejudice. In the business field we apparently come nearer to compulsion. Successful business enterprise depends partly upon control of the supply of the commodity produced, and successful business discipline depends on the power to appoint, promote and discharge subordinates. In each case the power is that of reward and punishment. But this power exists only so far as the laws of person and property permit and enforce it. Here the business problem depends upon the political decisions that regulate property. The business manager is allowed to use compulsion only to the extent that the people through their laws have chosen. His success within this area is based primarily on tact and persuasion.

The political problem of society appears exactly at this point. It is concerned with the extent to which compulsion shall be used by private persons, by sects or classes, in promoting their interests. History is full of the uprisings of sects and classes, of riots, wars and strikes, brought about by the struggle to share in a larger degree the rewards and opportunities which society vouchsafes. This struggle is not always violent. It may be constitutional; that is, the machinery of government may be so constructed and the suffrage so extended that each sect and class may increase its share of social services by simply getting control of the constituted authorities through recognized channels and without resorting to violence. The power of compulsion, belonging thus to the realm of practical politics, is the power to put one's own opinion or desire into effect regardless of the desires and opinions of others. This power cannot dominate in the technical field, where only knowledge and skill control, nor in the business field, where tact, intuition and enterprise hold sway, but is limited to the ethical field, where opinions, beliefs and prejudices contend for authority. Yet compulsion is not independent of technology and business. It depends upon them for execution. It cannot override them, but it can use their results. It deals only with the question, Who shall get the social advantages derived from them? The answer is given by one's desires, opinions, prejudices, with an ultimate appeal to force. It is for this reason that the political problem takes precedence over all other social problems in the hearts of the people. Men are first of all creatures of desire. Knowledge, skill, tact, are useful only as they satisfy the desires. Then when desire is hallowed by ethics, and what one wishes is what one, along with others, has a right to have, this union of desire, justice and fraternity dominates and guides all one's powers and activities. Consequently, if the structure of government does not provide separately for the problem of compulsion, the voters will assuredly subordinate considerations of technical and business efficiency to the interests of their political preferences.

It is a mistake to suppose that political considerations are mainly to be found in state and federal politics. It is often held that voters elect their alderman and mayor on the basis of their opinions concerning the tariff or the currency, or other federal policy. This may hold of a few highly educated and philosophical-minded persons and of business men with large national interests, but for the majority of the voters it is their class traditions, friendships, likings and dislikings, their clubs, saloons, social gatherings, neighborhood acquaintances, their habitual preferences and prejudices that determine first their local alliances and then their national alliances.

The most inveterate and deep-seated of these political preferences has been that based on religious belief. In the United States, where church and state are separated and where religious opinions are allowed no place in determining the laws, these opinions are nevertheless sometimes injected into the election of officials, who will throw the balance of advantage to the side of their religious *confrères*. But, on the whole, the separation of church and state removes religious opinion from politics. If there were a state or city church supported by taxes, then violent political contests would arise between Catholics and Protestants as to which should get the benefit of the taxes and the clerical appointments. All questions of business and technical efficiency would be subordinated to this political question of the distribution of social privileges among religious classes.

As the religious hold weakens, both through decay and through the separation of church and state, the majority turns to material pleasures. There then arises a determined insistence on the right of the voters to enjoy themselves in their own way, to spend their money as they choose. Freedom of consumption now takes precedence over all other desires in the hearts of the voters.

Again, with the growing density of population, with the increase in technical improvements, with the development of wide extremes between propertied and non-propertied classes, new political prejudices spring up. The contests between

capital and labor begin, and the labor unions, with their emphasis on the class-consciousness of the working classes, soon show themselves in resistance to the business and property interests which have hitherto controlled the cities, and which are also the overt antagonists of the unions in private dealings. Important questions affecting the diffusion of property among the different classes in the city now begin to emerge. Such is the question of municipal ownership of monopolies. Whether these monopolies shall be owned by the city or by private persons, what shall be the charges for services, whose real estate shall be benefited—these are political questions affecting social classes. The economical administration of the monopolies, the appointment and discharge of subordinates, are business and technical questions. So with the choice between the contract system of public work and the system of direct employment; which of these systems the city shall adopt is a political question of opposing class interests. On one side are contractors and their friends, politicians and spoilsmen; on another side are the taxpayers; and still another class is the wage earners. Wage earners want high wages and short hours; taxpayers want low taxes. Contractors and politicians play them against each other. Naturally enough these questions, which are really political in their nature, since they are class questions, are held by adherents of the business theory to belong solely to the business field, and to be determinable only by business considerations. But this claim is really that of a particular social class, accustomed to think in terms of competition, cost of production and profits, and the demand that these political questions shall be left to a business decision is a demand that the interests of but one of the classes concerned shall be considered. But the strictly business and technical questions are subordinate to the political questions at stake. Whichever side wins in the conflict over the latter, the conditions determining the former are much the same. They are concerned solely with the economic execution of the work upon the basis of the hours, wages and taxes previously settled by politics.

Other political questions are the relative taxation of personal property, real estate and land values ; the maintenance of public schools in place of private schools ; and, in the public schools, if maintained, the provision of free text-books, free meals, manual training, *etc.*

Perhaps the most obvious of political questions is that concerned with the distribution of offices and employments. The traditional aristocratic and feudal notion finds in public office a means of privilege and leisure and of protection of personal and class interests at the expense of society. Modern political parties, which have grown up on the soil of feudalism, have merely elevated the strife for office from the secret and devious ways of court favoritism to open contest before the people. The early notion of privilege and leisure is still the animating motive. Only as room is made for business and technical qualities inside the political organization of the city does a different view of office prevail. The struggle for office and public employment grows intense on account of unstable conditions in private employment. For this reason the high wages, short hours, leisurely work and sure pay of municipal employment are well fitted to enlist in opposing political parties the anxious crowds of competing laborers. The distribution of public employment becomes a dominant political question. Here the business theory is undoubtedly the correct one. When public office and public employment have come to be merely the execution and not the choice of a policy, the problem is one of dealing with individuals and not with social classes. It is a business problem and cannot be successfully solved by those who are interested mainly in the political problem.

We may sum up now the radical differences between the three problems of city government. The city is both a business corporation and a political corporation. Both business and politics are grounded upon technological problems, dealing with the raw material of nature in order to fit it for man's uses, or with the undeveloped material of society in order to educate it for society's uses. In these problems the mental qualities required are knowledge and skill.

The business problem deals with individuals, in order to economize and stimulate their energies. It is a problem of buying and selling, and the organization of responsibility. The mental qualities required for its solution are tact, intuition and enterprise.

The political problem deals with social classes ; or, it consists in the dealing of social classes with each other. It is a problem of the distribution of the wealth and privileges, the rewards and opportunities, which are being created through the solution of technical and business problems. The mental factors are the class desires and class opinions concerning justice and expediency. The problem is one of choices, and is essentially ethical.

These problems are not, in the existing political organization, distinct and separate. They overlap. The same person is often called upon to meet more than one. But they are essentially different, and the mental qualities required in dealing with each are radically unlike, and are seldom found together in a marked degree in one person. Consequently, for proper solution, the problems should be distinctly separated. Individuals should find their field and line of promotion in the solution of but one of them. This is impossible if the city government is so framed that the different problems necessarily overlap ; especially if the political problem must be solved by the very same person whose field is the technical or business problem. In American cities there are two notable sources of this compulsory overlapping. One is the state legislature ; the other is the mayor.

The American state gives to the city the privilege of electing its own officials, but gives to the state legislature the power of enacting laws which these officials are to enforce. It follows that when these social and class questions of beliefs, enjoyments and incomes pertaining to cities are settled by the state legislature, the only means which the voters have of enforcing their predominant desires is to elect officials, not on the question of their business ability or integrity, but on the question of enforcement or non-enforcement of state law. That is to say, not a man of business, but a man of politics, is necessarily their choice.

In order, therefore, that the American city may acquire technical and business efficiency it must have, first of all, legislative home rule. When the state legislature continues to enact laws for the city, it is compelled sooner or later to appoint and remove the city's officials. The tendency in this direction has shown itself in a state or "metropolitan" police system for Boston, St. Louis and other cities. To what extent the city should have home rule, in order to offset this centralizing tendency, is a matter of expediency; it should probably include local option on liquor excise questions, and on all financial and business questions of strictly local concern, like those mentioned above.

Here, however, we are met by the business or economic theory of the city: the city is only a business corporation organized to collect and expend the taxes, and it should therefore be organized like a private corporation, with responsibility centered in a general manager, that is, in the mayor.

If the city were really a business corporation, with the one purpose of saving money for its stockholders, this theory might result in the election of a capable business manager for its chief. But it is a political corporation, with the power of coercion; and since the political interests of the voters are as various and antagonistic as their passions and opinions, the mayor is elected, not for his business capacity, but for his political and social preferences.

The business theory is not even true to its business analogy. If the mayor is to be the executive head of the city, he will correspond, in the comparison with a private corporation, not to the president, but to the general manager or the superintendent, or to the cashier of a bank. The president of a corporation, as such, is merely a presiding officer of the board of directors. He has one vote, like every other director. He has no veto and no legislative discretion. The general manager, on the other hand, is the executive head, and he has no voice in the board. He merely executes the policy which the board and the president determine. The president, indeed, controls the manager, but he does so only as the intermediary between the board and the

manager. The business theory, if true to itself, would deprive the mayor of veto power and would make him a responsible executive without political discretion.

Seeing, then, that the city is both a business and a political corporation, the mayor, if he is to be the head of the business side, should be deprived of all political discretion. He should have no veto whatever, no initiative, no power over franchises, taxes, improvements or excise, but should merely execute the wish of the voters; and this wish should have an entirely separate avenue for expression. In European cities this avenue is furnished by the common council, and the council has discretion in all matters, including the appointment and removal of subordinates. It is both the political and the business head of the city. But the council system has broken down in the United States. The reason usually given is the alleged injection of "politics" into the councils and boards of aldermen. But politics is always predominant in a municipal government. This predominance, however, is not a source of business confusion when the suffrage is limited to a single class, as is the case in a private corporation, or in the mediæval guild, or in the municipal governments of a country like Germany. But with the extension of the suffrage to conflicting classes it follows that conflicting policies are injected into the directorate, which otherwise would give its whole attention to the mere execution of its single policy. This is why municipal governments in France are less efficient than those in Germany, and why the extension of the suffrage in England is transforming the municipal council from a business management into a debating society. It is not that political considerations are subordinate when the suffrage is limited, and paramount when the suffrage is extended; for political questions always precede business questions so long as there are social classes, whether suffrage is limited to one class or extended to all. The difference between the two conditions is that in one case there is but one policy, that of the represented class, and the only problem for solution is the method of executing that policy, while in the other case there are divergent policies of different classes, and the problem of

execution must be held in abeyance pending the solution of the problem of politics. But while suffrage is universal this problem of politics can never be solved ; or, rather, the apparent settlement of one political issue simply makes room for another, and this will continue as long as society is composed of divergent classes and interests.

It is perhaps this practical failure of the council under universal suffrage, more than the abstract principles of the "business theory," that has driven American cities to shift power to the mayor. If, then, the council cannot be trusted, and the mayor is to be deprived of political discretion, the only resort is the direct popular vote. This would be the referendum and the initiative on questions of policy. Without entering into the plan of the initiative and the referendum, or the necessary constitutional safeguards, it is enough here merely to indicate what are the subjects which would properly be dealt with by this method. These would include the tax rates and the classification of property for purposes of taxation ; compensation for franchises ; charges, fees and licenses for public services ; liquor and saloon regulation ; municipal ownership and indebtedness ; rates of wages and hours of employment ; the choice between the contract system and direct employment ; the location of public improvements and the distribution of assessments. Here is a wide field for discretion and political opinion — a field now occupied by the state legislature and the mayor, with participation in various degrees by the decadent municipal council.

The practical operation of the referendum on a few of these subjects can already be seen in many places. The towns and cities of Massachusetts have for several years been permitted to vote upon the question of "license or no license " at a popular referendum. Partly as a consequence, the cities have been able repeatedly to elect "non-partisan " or "independent " or "citizens " candidates for mayor,—an achievement which few other cities can boast of. It has even occurred that cities which have voted for licensing the saloon have at the same election given majorities for anti-saloon mayors. The simple

device of the referendum subtracts the political preference of the voters from their choice of mayor, and by separating the political from the business problem of the city enables them, in electing the business head, to attend solely to the business qualifications of the candidates. The two issues are clarified and each is settled on its own merits. As an isolated proposition, voters do not wish corrupt and ineffectual government, but as a subordinate proposition, they prefer such a government to the restriction of those enjoyments and liberties which lie close to their habits of life. Furthermore, with honest and efficient administration the political problems of the city can be debated and decided on their merits. At present the honesty or dishonesty of the officials who are to execute the voters' will enters largely into the debate on these problems, and the solution in each case is determined less by the real wishes of the people than by their distrust of the administration to which the execution of their decision must be confided.

We reach, then, this conclusion : If with a system of universal suffrage we are to have business-like municipal administration, we must recognize that the city is not primarily a business corporation ; that it possesses the power of coercing those who do not willingly acquiesce in its policy ; that if the city charter is so framed that to the business administration is given discretion in the control of this power of coercion, the voters will strive to use the administration, first of all, to control this discretion in their own diverse interests, and but secondarily to secure efficiency and honesty. But if the business head and the state legislature are deprived of political discretion through direct vote of the municipal constituency on questions of policy, then the charter will follow scientifically the social psychology of the voters, and the city government will be, as it should be, efficient on the business side and popular on the political side. The mayor's only problem will be the selection, appointment, promotion and discharge of the technical experts and workers, who by their knowledge and skill execute the will of the voters. His own election will turn, not on his beliefs, his habits, his pleasures, his prejudices and opinions, but on his honesty,

efficiency and tact in organizing the staff of technical workers and in dealing with the contractors and merchants from whom labor and material are to be purchased. The voters themselves will decide, independently of the mayor and his appointees, what they wish to have done or not done, how much it shall cost, how the funds shall be raised, who shall bear the expenses, to what extent their beliefs, enjoyments and habits of life shall be regulated. Thus the three problems of the city government—the technical, the business and the political problems—will each be settled in its own field on its own intrinsic merits, and the minds of the voters will be freed from that maze of conflicting problems which bewilders them in the solution of each.

The argument is frequently made by those who, notwithstanding the admitted disease and inefficiency of city government, yet favor the extension of municipal ownership and operation of public enterprises, that an increase of municipal responsibility will necessarily call forth improved business administration through “civil service reform.” This reform will come because the voters’ attention will then be forced upon the administration on account of its increased importance. In justification of this view, appeal is sometimes made to biology, where, it is urged, in the process of evolution the organ follows the function; the animal first does a certain act over and over again, and in doing it the necessary muscles and organs are built up by which it may be better done.

Possibly these theories of heredity may be mistaken and may be displaced by others, but however that may be, the biological analogy is not safe ground for sociological conclusions. The evolution of government has been twofold: it has developed an increase of function in one direction and a decrease in another direction. Government has decreased its activity and interference in the control of personal beliefs and enjoyments and the regulation of personal earnings. It has separated church from state, and has repealed sumptuary laws. During the same time it has increased its control over the administrative and economic conditions which make up the framework of society. It has

displaced private police by public police, voluntary fire companies by a municipal department, private toll roads by free public highways, private water supply by municipal ownership, private autocracy in industry by factory laws, and so on. Thus it has gained control of the merely mechanical conditions of society but has let go the personal appetites, desires, beliefs and initiative of individuals. One movement has been as important as the other, but neither movement has been blind or aimless. Both have been brought about by the demand of the masses for more and more personal liberty. Freedom of belief, freedom in the pursuit of happiness, free enterprise — these have been the banners of armies and parties which have overthrown monarchs and church, have nullified sumptuary laws and abolished monopolies and privileges. From the standpoint of the people this demand for freedom is the first and paramount demand. It comes directly from their desires, their faiths, their passions. They are more eager to have government take its hands off their beliefs and enjoyments than to have it lay its hands on their business and industries. So long as government keeps its hands on the former, the attention of the people is largely absorbed in that direction. They care more to see the administration devoting its coercive power to the emancipation of their beliefs and desires than to see it economical, honest and efficient. Hence, no matter how much the business functions and the civil service of government are expanded, the voters under universal suffrage will not give perceptibly increased attention to them so long as suppressive and sumptuary activities are undiminished.

The conclusion from the foregoing is, that progress and development in the scope of municipal operations and in the efficiency of municipal civil service must necessarily be accompanied by a curtailment of sumptuary and restrictive legislation. The two movements have gone together in the past and must probably go together in the future. But if, as is undoubtedly true, restrictive legislation in the interests of morals cannot be altogether abandoned, and if, in the nature of the case, government must deal with the distribution of wealth and privilege,

then new machinery must be devised by which these matters can be managed without interfering with the questions of business and administration. The initiative and referendum would furnish this machinery. They provide a means outside the administration for the discussion and settlement of questions of policy, questions of class interest, questions of the distribution of wealth and privilege, questions of control over morals, beliefs and enjoyments. They make it impossible for municipal officials to have political influence one way or the other. They separate the political from the business problem.

With the proviso, therefore, that some such separate channel be furnished through which the debate on political questions may flow, we may admit that an increase of municipal responsibility will bring increased attention to and improvement of the civil service—that increase of “function” will bring improvement of “organ.” But without this proviso—without a separation of political questions from the questions of the civil service—there is little hope that the latter will be solved in a business-like manner.

In addition to the reasons already given for providing that questions of policy should be decided through the initiative and referendum rather than by the municipal council, there are other reasons based also on the nature of democratic government. In the United States the council is overshadowed by the mayor. It has not prestige or standing as against his influence. It does not speak with authority and does not influence the voters at election time. It is easily swerved by special interests—by private corporations, political organizations and trades unions, which hold the balance of power through their control of wealth or votes. On the other hand, at a popular vote under universal suffrage there are so many diverse interests and so many voters with scattered interests, that no special interest can hold the balance of power, much less secure a majority. For this reason a popular vote tends to moderation, and is neither conservative nor radical. Each issue is voted upon separately, and this breaks up the log-rolling combinations of divergent interests which, in voting for a candidate

who stands on a party platform, are compelled to vote for extreme policies, with which they have little or no concern, in order to obtain the policy in which their concerns are predominant. Furthermore, innovations require too much explanation, and those who are undecided and not influenced by log-rolling, are more inclined to reject and wait than to approve and repent. And, on the assumption that the popular vote is to be taken on political questions only, and that by political questions are meant those which affect the distribution of wealth and privilege among social classes, it follows that the widest discussion and participation in the decision should be accorded to every interest, party, faction and individual. This is possible in city governments, since the questions of policy, though all-important and basic, are not continuously up for solution. Administration is much the larger part of municipal government in point of time occupied, though not in point of popular passion excited. The political questions arise only on somewhat rare occasions, and a settlement once reached on any point guides the administration for years.

Again, the psychological influence upon the voters of a direct voice in their settlement is a prime argument for the initiative and referendum. These questions take precedence in their minds over all other questions, and to vote directly upon them is that form of personal compliment which prepares the voter to accept philosophically the decision of the majority, where that decision, if made by a council, would provoke resentment through the knowledge or suspicion of undue influence. The very fact that the settlement of a given political issue consists in overriding a minority by compulsion makes it necessary to devise a method that will pacify that minority. This can be done only when the minority is satisfied that it has had its just share in the decision, and that it always will have an opportunity to bring up the issue again in the same or other form if it seems worth while.

The psychological and sociological analysis above advanced furnishes a basis for an explanation of the power of the political organization and the political boss in American cities. The

boss is the avowed agent of a social class in the distribution of wealth and privileges. He secures for his adherents either favorable legislation or exemption from unfavorable legislation. His avowal is not always thus brutally expressed, but with his growing importance he tends to throw aside the subterfuge of "general welfare" and to speak boldly of his proper function. Especially is this so when the classes to which he appeals are those who are, or think they are, unprivileged classes. With them he frankly takes the attitude of Robin Hood, acknowledges that he is "in on the graft," but that he uses his position to get jobs for his constituents, to furnish medicines and doctors for their families, to pay their bills for groceries and rent, and to relieve them from the harsh enforcement of laws in whose enactment they have had no voice. And even with the business and propertied classes, whose especial boss is still obliged to put great stress on the "public welfare" contained in his program, it is the special services which he renders that give him his hold. In every case the political machine and the political platform which the boss constructs are cleverly designed to take in enough divergent interests to secure a majority of the votes. And, since the officials who care for the business side of the city government have discretion in the political field, which is his province, he necessarily strives to secure control of the business management. He is not himself a candidate for elective office, except in a few wards where a single class predominates, because he must appeal to a variety of classes, and consequently must seek his end by naming such candidates as are sufficiently indefinite in their beliefs to stand on his mosaic platform and sufficiently docile to do his bidding. The referendum and initiative are a specific for the social disease which gives him power. They deprive the business management of the political discretion through which privileges are distributed; they separate and individualize issues which are essentially distinct, and thus insure that no single platform or candidate can be set up broad enough to attract from divergent interests a plurality of all voters; and they remove the animus which springs from the sense of helplessness in controlling the

distribution of privileges, and which therefore condones the irregularities of the boss in securing for his constituents whatever share he can.

A probable criticism may be met at this point. It naturally is objected that the distinctions here made between the technical, the business and the political qualities and functions cannot, in actual city government, be rigidly observed. Conceding that the distinctions may hold true in abstract psychology and metaphysical politics, yet the human mind, it will be said, does not operate in separate compartments, nor can government be so nicely split as to take all political discretion from business heads and technical subordinates.

In city government there are, it must be admitted, three departments — those, namely, of police, of education and of charity — where the technical and the business qualities required of subordinates merge into the qualities that pertain to political authority. These departments do not deal with physical material, where knowledge and skill suffice for the required end, but they deal with human beings who, in the execution of the law, may be actually coerced. The policeman must necessarily retain a large element of discretion in the enforcement of a law, since he determines first in his own mind whether or not a given person is violating it. He is partly judge and partly executive. But there is a qualification to be observed. In proportion as any department of government or of social life develops scientific principles based upon an understanding of the human nature to be controlled, and in proportion as the law conforms to these principles and the administrators of the law become versed in them, in that same proportion does the mere empirical discretion, which bunglingly drives by means of coercion, give way to scientific insight, which leads by persuasion. The science of pedagogy reduces the school teacher's personal discretion by revealing the uniformities in the operation of the minds of children; as a consequence persuasion displaces coercion, and we see illustrated the social counterpart of the maxim in physics, that we conquer nature by obeying her. The charity agent who learns through

the science of sociology how to transform the beggar into the useful worker does this by reducing the penal and coercive features of his office and by enlarging its educational and persuasive features. Likewise the policeman, were he to become the scientific penologist instead of the empiricist, would be recognized as an educational rather than a repressive agent of the city. Some such outcome might reasonably be expected if a direct popular vote and local self-government on questions of morals and enjoyments should be instituted. If those whose morals are to be controlled have a direct voice in determining the kind and extent of control, and if they must exercise this voice by securing a majority of their local fellow-voters rather than by diverting the policeman, they will be more obedient to the law thus determined and so will endeavor to influence the discretion, not of the policeman, but of the voters. In this way, automatically, the police discretion will be shifted from the policeman to the voters, and the officer himself will have a wider field for his scientific and reformatory functions through the lessening of his coercive and discretionary functions. The referendum and initiative with home rule, therefore, when once adopted, would tend to develop more clearly, both in the individual psychology and in the city government, the very distinctions which furnish the ground for their adoption, namely, the separation of the political from the technical and business problems.

Another objection sometimes raised against the referendum and the initiative is their alleged reversal of the trend towards specialization. One writer asserts that "the referendum idea rests on the theory that all men are specialists in everything," and that "this is an extraordinary development, in view of the opposite trend of legislation towards relieving the individual of having to guard his own food, his own plumbing, his own milk supply," *etc.*

But the direct popular vote, as shown in the preceding pages, tends to increase rather than diminish specialization. It does this by separating clearly the several provinces of government in harmony with the corresponding mental aptitudes

of individuals, especially at the most exasperating point of the present overlapping. This is the point where politics interferes with technical and business qualities. If the mayor and his subordinates shall be deprived of the greater part of their discretion, they will be left free for a degree of specialization that is impossible under present conditions. This specialization will be developed in the only field where, in a democracy, it is desirable, namely, that of technical and administrative problems. But in the field of politics, which is the field of choice and coercion, specialization means despotism. Here the specialist is the king, the tyrant or the boss. In a democracy there can be no specialization in dealing with questions of the distribution of wealth, privileges and enjoyments among social classes. The separation of political questions from technical and business questions is indeed the vital problem of democracy. This must be effected in such a way that the general will of the electors can be exercised without changing the administrative and technical agents who enforce it. These agents will then become experts, who in turn will have their part to play as expert advisers on the political questions. And this advice will be far more influential than it is at present, because, the givers having no discretion in executing the policy finally decided upon, the acceptance or rejection of their advice affects in no way their tenure of position. Their advice is listened to by all classes, since it does not carry the suspicion of being influenced in behalf of one class to the detriment of others. In this way the proper reciprocity between the several provinces of government is secured, and the political questions, which must always be decided with reference to technical and business questions, are raised to a more dispassionate level of discussion and decision.

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